REMARKS

In the Office Action dated November 18, 2005, the Examiner rejected claims 62-88 under 35 U.S. C. § 112, first paragraph and rejected claims 28-61 under 35 U.S.C. § 102(e) as being anticipated by *Schnier* (U.S. Patent Publication No. 2001/0003825).

By this amendment, Applicants have amended claims 28, 29, 37, 38, 39, 41, 43, 44, 45, 46, 55, 62, 71, 75, 78, 80, 81, and 85, and added new claim 89 Based on these amendments and the following remarks, Applicants respectfully traverse the objections and rejections presented in the Office Action.

I. The Rejection of Claims 62-88 under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 62-88 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner asserts "transforming parameters into different types for subsequent transmission" is not described in the specification to convey to one skilled in the art the inventors had possession of the claimed invention at the time of the application was filed. (OA at 2.) While Applicants disagree with the Examiner, Applicants have amended claims 62, 71, 75, 78, 80, 81, and 85 to remove this feature from the claims. Applicants note that this Amendment does not reflect Applicants acquiescence to the Examiner's positions set forth in the Office Action. Indeed, Applicants maintain that the Examiner's positions continue to be misplaced. However, to expedite prosecution of this application, Applicants have deleted this language from the claims.

Accordingly, Applicants request that the rejection of claims 62-88 under 35 U.S.C. § 112, first paragraph be withdrawn.

II.   The Examiner Again Improperly Avoided Examination of Claims 62-88 in view of the Prior Art

Applicants traverse the Examiner's position that the rejection of claims 62-88 under 35 U.S.C. § 112, ¶ 1 precludes examination in view of the prior art. (OA at 3.) As explained in the Request for Pre-Appeal Brief Review filed September 30, 2005, M.P.E.P. § 2163 describes guidelines that "establish the policies and procedures to be followed by Office personnel in the evaluation of any patent application for compliance with the written description requirement of 35 U.S.C. 112." As noted in the same section, "[t]hese Guidelines are intended to form part of the normal examination process. Thus, where Office personnel establish a prima facie case of lack of written description for a claim, *a thorough review of the prior art and examination on the merits for compliance with the other statutory requirements, including those of 35 U.S.C. 101, 102, 103, and 112, is to be conducted prior to completing an Office action which includes a rejection for lack of written description.*" (Emphasis added.) As such, even if the Examiner did establish a *prima facie* case of lack of written description requirement — a position Applicants traverse — the Examiner improperly avoided examination of claims 62-88 in view of any prior art. Accordingly, Applicants request these claims be examined under the other appropriate Sections of 35 U.S.C., as governed by the policies set forth in M.P.E.P. § 2163.

Applicants note the Examiner did not respond to this issue in the Office Action. Instead, the Examiner again neglected to address claims 62-88 in view of the prior art. As noted above, U.S. Patent and Trademark policy requires that the Examiner examine

these claims under Sections 102 and 103. As such, Applicants assume the Examiner

has followed such procedures and concludes that claims 62-88 are allowable over the

prior art. On the other hand, if the Examiner has improperly neglected to examine

claims 62-88 in view of the prior art based on the rejection of these claims under

35 U.S.C. § 112, first paragraph, Applicants request a formal and written explanation

why the policies set forth in the M.P.E.P. are not followed, to afford Applicants the

opportunity to consider the U.S. Patent and Trademark's position and to respond

accordingly.

III. The Rejection of Claims 28-61 under 35 U.S.C. § 102(e)

The Examiner asserts *Schnier* discloses the recitations of claim 28. In particular,

the Examiner associates the process of a client accessing a Web page from a server as

receiving a request from a client by a lookup service for access to a network service.

Indeed, the Examiner states that the server system 100 disclosed by *Schnier* is a

lookup service. (OA at 3.) Further, the Examiner asserts *Schnier* discloses returning a

resource locator to the client from the lookup service so that the client may dynamically

load executable code. (OA at 3.) As explained below, Applicants respectfully disagree.

Schnier describes a system that allegedly solves problems associated with

CORBA environments. In particular, the system performs processes that determine

whether a client has a CORBA environment currently installed before processing

remote calls for target objects. According to *Schnier,* when a first remote call is

initiated, the system downloads an applet. At that time, if code required for processing

remote calls in a CORBA environment is not present in the client system, the system

downloads that environment information. (*See e.g.,* Fig. 5, steps 502-506). After the

CORBA environment information is installed, the client then requests an object reference from the server. (Fig. 5, step 508). Also, because the CORBA environment information is already installed, Step 506 is not repeated for subsequent remote calls for objects. Further, although *Schnier* discloses a location service 184, this service merely identifies which object servers are running at a given time. When an object request is received for an object associated with an object server that is not running, the location service assists in stating a target object service. (*Schnier* at ¶ 85.)

In contrast, amended claim 28 recites, *inter alia*,

> returning, by the lookup service, a resource locator to the client, the resource locator including a reference to the one network service and data for dynamically loading executable code to facilitate access of the one network service.

Schnier does not teach or suggest returning a resource locator as recited in this claim. Instead, *Schnier* describes a system that uses an applet to download CORBA information (e.g., class information for an ORB object class) if the information has not been previously downloaded. After receiving the CORBA environment information, the system allows the client to request an object reference from the Web server. The processes disclosed by *Schnier* are different from receiving a resource locator including a reference to a requested service and data for dynamically loading executable code to facilitate access of the request service. Indeed, *Schnier* requires the client to use a downloaded applet to further download CORBA environment information before the client can even request an object reference from the Web server.

Accordingly, because *Schnier* does not teach or suggest the recitations of claim 28, Applicants request that the rejection of this claim under 35 U.S.C. § 102 be withdrawn, and the claim allowed.

Claims 29-36 depend from claim 28. As explained, *Schnier* does not support the rejection of claim 28. Accordingly, the cited art does not support the rejection of claims 29-36 for at least the same reasons set forth above in connection with claim 28. Further, the cited art fails to teach or suggest the recitations of claims 29-36. For example, the Examiner is misplaced in asserting *Schnier* teaches a smart proxy. Indeed, the applets disclosed by *Schnier* do not reflect or operate in any manner as a smart proxy, as disclosed in the context of Applicants' invention. Therefore, Applicants request that the rejection of these claims be withdrawn and the claims allowed.

Claims 37, 44, 45, 46, and 55 include recitations similar to that recited in claim 28. As explained, *Schnier* does not support the rejection of claim 28. Accordingly, the cited art does not support the rejection of claims 37, 44, 45, 46, 55, 62, 71, 75, 78, 80, 81, and 85 for at least the same reasons set forth above in connection with claim 28. Therefore, Applicants request that the rejection of claims 37, 44, 45, 46, 55 under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Schnier also does not teach or suggest returning, by a lookup service, executable code to facilitate the access to the one network service, wherein the executable code is configured to store data obtained from the one network service for subsequent use, as recited in claims 62, 71, 75, 78, 80, 81, and 85. Therefore, Applicants request that claims 62, 71, 75, 78, 80, 81, and 85 be allowed

Claims 38-43 depend from claim 37. Claims 47-54 depend from claim 46. claims 56-61 depend from 55. Claims 63-70 depend from claim 62. Claims 72-74 depend from claim 71. claims 76-77 depend from claim 75. Claim 79 depends from claim 78. claims 82-84 depend from claim 81. Claims 82-84 depend from claim 81.

Claims 86-88 depend from claim 85. As explained, *Schnier* does not support the rejection of claims 37, 44, 45, 46, and 55, and does not teach or suggest the recitations of claims 62, 71, 75, 78, 80, 81, and 85. Accordingly, the cited art does not teach or suggest the recitations of their respective dependent claims for at least the same reasons set forth above in connection with claims 37, 44, 45, 46, 55, 62, 71, 75, 78, 80, 81, and 85. Therefore, Applicants request that the rejection of dependent claims 38-43, 47-54, and 56-61 be withdrawn and claims, along with claims 63-70, 72-74, 76, 77, 79, 82-84, and 86-88 allowed.

III. Conclusion

In view of the foregoing remarks, Applicants submit that claims 28-89 are neither anticipated or obvious in view of the cited art. Applicants therefore request reconsideration and reexamination of the application, and the timely allowance of the pending claims.
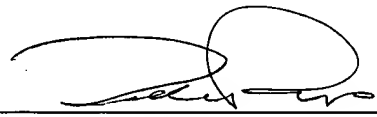
If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: February 7, 2006   By: _____

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